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World Chronicle

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Permanent Representative of New Zealand to the United Nations

JOURNALISTS: Ian Williams, The New York Observer
Victoria Graham, The Associated Press

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SAFETY OF UN PERSONNEL

Ambassador Colin Keating, Permanent Representative of New Zealand to the United Nations, discusses a draft convention on the question of responsibility for attacks on United Nations and associated personnel. Under their international obligations, Member States are required to protect all UN employees and the staff of other international agencies from acts of violence committed by their nationals. But now the protagonists are often bandits, terrorists and political groups not under the control of any country. If the convention becomes international law, Member States will be obliged to cooperate in the apprehension and prosecution of alleged offenders. Ambassador Keating believes that the General Assembly will soon adopt the convention and open it for signature by all Member States.

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ANNOUNCER: From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues. Here now to introduce our guest is the host of today's **World Chronicle**.

LITTLEJOHNS: I'm Michael Littlejohns, and this is **World Chronicle**.

In recent years, United Nations peacekeeping and humanitarian missions have expanded dramatically. Tens of thousands of civilians as well as soldiers have not only been put in dangerous situations serving the international community, some have lost their lives. Is there some way these men and women from scores of countries can be afforded some special protection? This is the aim of an initiative by New Zealand, currently serving a two year term on the Security Council, proposing a draft convention on the protection of UN personnel.

Here today to discuss this convention, our guest is Ambassador Colin Keating, the Permanent Representative of New Zealand to the United Nations. Joining me to talk with Ambassador Keating are Ian Williams of *The New York Observer* and Victoria Graham of the Associated Press. Ambassador Keating, welcome to World Chronicle.

Ambassador, we spoke in rather general terms in the introduction about the problem. How serious is it in numbers? Can you give us some numbers of people who have lost their lives or been severely wounded, taken prisoner, etc?

KEATING: I think it's a very serious problem, and one that's getting worse. Six months ago we were averaging the loss of maybe two United Nations peacekeeping personnel per month. It's now one a week.

LITTLEJOHNS: This is for soldiers, mainly?

KEATING: Soldiers and civilians. Because it's important to remember a lot of these operations comprise at least as many civilians as they do soldiers. And the sad thing is that we are now experiencing casualty rates of deaths of at least one a week.

LITTLEJOHNS: Now this convention that New Zealand is proposing for adoption by the General Assembly -- and presumably some time in 1994, if you're lucky, it will be approved by the General Assembly -- what are the main provisions of the convention?

KEATING: Well, we have to see this as part of a pattern of things that the United Nations can do. My first question, is is it an important problem for the United Nations? Well, I think it's important because the willingness of each individual member of the United Nations to contribute personnel, be they civilians or soldiers, for the peacekeeping needs of the operation needs to be sustained. It's not only the willingness of volunteers to participate, but also individual countries, their own governments being willing to assign personnel to these risky situations for the good of other countries.

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So we've looked at this issue across a number of fronts. Firstly, what can the Security Council do? What can the United Nations General Assembly do? And what can the Secretariat do to help its own people? And I think our initiative fills only one of those gaps. There is a lot of work that we've already found that the Secretariat can do. We see it in Bosnia, for instance, by providing better equipment for the people on the ground: armoured personnel carriers instead of jeeps, very simple things but very expensive. And that has --

LITTLEJOHNS: But you don't need a convention for that.

KEATING: This is the point. I mean, I think there are some things that can done on the ground simply by providing equipment to improve the safety of people. The Security Council can and has done a number of things. The Security Council has threatened, and quite clearly signalled to these entities around the world who are willing to target peacekeepers, that a certain point will come when the United Nations will be willing to use force in order to protect its personnel; to move from what they call the Chapter VI type of situation where the United Nations positions itself between forces to a more aggressive defense of its own people.

LITTLEJOHNS: This is Chapter VI of the UN Charter.

KEATING: Yes. And we're seeing this just recently again in Bosnia with the willingness of the United Nations to call for the use of air support. Now those are two quite separate distinct measures that can be done, practical things that can be done. But in the end, nobody really wants the United Nations. The United Nations doesn't get into peacekeeping in order to attack people and to itself cause casualties. It wants to resolve problems peacefully. But we often end up in a situation where our peacekeepers are hostage, in effect, to bandits, to groups involved in a particular conflict who are trying to advance their political aims and will use their political objectives and attack the United Nations.

WILLIAMS: But, I mean, there have been several occasions over the years when, I think it was Sir Brian Urquhart, the man who practically invented modern peacekeeping, said that the UN had to be seen to fail, because this is what the great powers on the Security Council wanted. And I understand when New Zealand first introduced this proposal before the Security Council that at least one member was horrified because the convention could be used against his country. I understand he later became a convert when 20 or 30 of his own troops were shot up in Somalia, and he began to see that New Zealand's proposal had a lot of force behind it. But how do you reconcile that political expediency of the people who have to implement this with the broad humanitarian principles which you're putting in the convention?

KEATING: Well, I think we've been quite successful in persuading people that there is a good precedent in terms of what the United Nations has already done in other similar situations. And the example I give people is what we did about aircraft hijacking, which you know was a major scourge in the seventies, and it was again a similar situation. Terrorist groups were using civilians and innocent people for political purposes. And what the United Nations did was adopt an international convention which did away with the traditional legal regime which said you can only punish people in the territory in which they commit the offense. It made a universal offense of air piracy, of hijacking. And that was punishable anywhere in the world. And every country entered into an obligation, if a hijacker came into their territory, to either submit them to their courts or to extradite them to another country in which that would happen. And that was a deterrent. And, while hijacking has not disappeared, it's no longer the scourge it was.

WILLIAMS: I was actually going to bring that up, because the point about that is it had an immediate form of sanction against countries, because their airlines would not be allowed to fly unless they took this action. I mean, what sanctions are available by the United Nations, by the international community as a whole, to punish a country which does harbour criminals who have attacked the United Nations personnel?

KEATING: Well, I think what we're primarily looking for is not the sanctions on individual countries, but deterrents on people who are actually not part of any country. The attacks that are being made on United Nations personnel tend not to be by the troops of a government; they tend to be by disorganized groups who are advancing political aims. And what we want to do is provide some incentive for them to stop and think before they attack the blue helmets. We want them to think that, some day, somewhere, they're going to end up in the United States or Canada or Australia or New Zealand or Germany, and that country will have on its books a universal jurisdiction law relating to the attacking of United Nations personnel. And whether it's five years, ten years down the track, they could end up in prison. And we believe that that has proved to be an important element in diminishing the hijacking scourge, and it can do the same in order to provide a degree of safety and security for United Nations peacekeepers, as well.

GRAHAM: Mr. Ambassador, we understand your concern about the safety of peacekeepers and I'd like to ask you about Somalia. As you know, two major reports have been made concerning attacks on UN peacekeeping troops since last fall, one in which more than 20 Pakistani soldiers were killed, and the other in October, in which at least six or seven Americans were killed. The UN has sanitized the earlier report, and

it's keeping the second report under lock and key. Certainly, reasonable people would ask about whether the UN, supported by taxpayer dollars, will release the report and tell the full truth. Certainly, since you're concerned about the safety of peacekeepers, what can you tell us about this second report by the Commission?[1] This is supposed to be the definitive report. Do you think it should be made public, or would you accept a sanitized executive summary?

KEATING: Well, my understanding is that there is going to be an extensive report made publicly available. Now, quite when this will be I don't know. At this point in time, I believe it will be very soon. I think it's very important that the facts be determined.

One of the issues that will inevitably arise in the kind of convention which New Zealand is sponsoring is admissible facts in a court of law. If anybody's ever going to be held accountable on a personal individual basis for pulling a trigger and firing a rifle or a rocket grenade or whatever at United Nations personnel, facts are the only things that courts can operate on. And facts are very important. So it's as important to me as it is to you to know the facts. And so I'm very much looking forward to finding out the facts.

GRAHAM: If I may follow up on this, we know that there is an initial report, and that sometimes the UN will sanitize it, will reduce it to an executive summary, will ask the authors to agree to a somewhat reduced version of the report. Would you stand for any of this? Or would you, as the Ambassador of New Zealand and a Representative on the Security Council, insist on the full unvarnished report being made available to the Council?

KEATING: Well, I think you're making an assumption about what the United Nations will or won't do in this particular case. I'd prefer to wait and see --

GRAHAM: We have experience, yes.

KEATING: -- what this report actually does say in terms of the facts relating to the case. I'm not going to make any assumptions that this particular report will be expurgated in any way.

GRAHAM: But you would insist on everything being available to you?

KEATING: I think it's important that the Security Council, and I think it's important that the Member States of the United Nations generally, have a much greater

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[1] Commission of Inquiry established pursuant to Security Council resolution 885 (1993) to investigate armed attacks on UNOSOM II personnel which led to casualties among them.

transparency as to what is happening in the Organization. It's another theme, a hobby horse which I ride quite often.

LITTLEJOHNS: Victoria Graham makes this point about the UN's sanitizing reports. Why would the UN feel the need to sanitize a report? It seems to me that if the situation is serious it should all hang out, not be sanitized.

KEATING: Well, I mean, I think there is a difference between editing and sanitizing. And quite often reports are edited. It may be that reports are sometimes sanitized and important information is --

LITTLEJOHNS: You mean for political reasons?

KEATING: I don't know. This is a possibility, but I'm not going to make any assumptions in this particular case. I've got no reason to believe that it will be sanitized. I mean, all reports are edited. And --

GRAHAM: But there's a difference between editing and sanitizing.

KEATING: Sure.

WILLIAMS: You're talking about unorganized groups without the law. Now, in Bosnia, we have a Serb militia which is firing upon United Nations troops as well as civilians, and the penalties that the leaders have so far had is that they get given a red carpet in Geneva and welcomed. Their terms are in fact imposed upon the victims of that war. For the Balkan War Crimes Tribunal[2], which you might consider to be some form of precedent for this, an international action has yet to bring a single person before the Tribunal. It's still arguing on the terms of procedure, and it's had a huge turnover of staff, so it's not a happy precedent for the sort of rigor with which this particular convention will be implemented. Would you like to compare these and explain why yours would be more effective than the Balkan War Crimes Tribunal?

KEATING: I think you've got an important point. There is always going to be, in bringing peace to any situation anywhere in the world, a need to negotiate with those who are in a position to prevent the peace being brought. That doesn't absolve either the negotiators or the governments participating from bearing in mind the responsibilities of individuals who may or may not be criminally responsible, either for, as you say, war crimes in one particular case, or, in the case which we are promoting, a different kind of crime, but one which is almost as serious as a war crime, of actually targeting deliberately those who came with peaceful intent to maintain the peace. So

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[2] The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991.

there is a similarity. It's an important similarity, and exactly the same issues are going to have to be addressed in the future with respect to the leaders and the opinion formers of whatever groups are responsible. And again, the War Crimes Tribunal for Bosnia is actually a very important new step by the international community. Nothing like it has ever been put in place before for this kind of conflict. It's true, it's only just got underway. Certainly, it's our hope and expectation that people will be brought to account before that Tribunal, which has been set up in The Hague in the Netherlands. And it's certainly -- the judges have been elected, there is -- the prosecutor's office is in the process of now being established.

LITTLEJOHNS: This is World Chronicle. Our guest is Ambassador Colin Keating, Permanent Representative of New Zealand to the United Nations. Victoria Graham?

GRAHAM: Of course, to follow up on my colleague's question, many of these people are renegades, are snipers, they owe allegiance to no particular government. This is all well and good, but do you actually think that a convention like this would carry a great deal of weight or would make the attackers reluctant to assault UN personnel?

KEATING: No, we're not saying that a convention which fills the legal vacuum is the sole solution. I said at the beginning there will be times when other action has to be taken, and other action includes protective devices by the United Nations personnel themselves in terms of the equipment they wear. I mean, just simple body armour and flak jackets and that sort of thing are very important. And in the end, I think it's important that the Security Council -- in a resolution which was adopted about six months ago, it actually laid down a general warning, worldwide, that there will be certain circumstances where it will itself decide that the only appropriate response to particularly vicious attacks is the use of force. And I think we can see the kind of experience that is being crafted now for the first time ever in Bosnia, that experience in the future being applied elsewhere.

GRAHAM: I mean, do you think the UN should be more aggressive in the use of force? We've heard recent accounts about the three-hour interval between the request, you know, for intervention -- you know, in Bosnia. I mean --

KEATING: Well, in answer to your basic question, no, I don't think, in general, it is helpful for the United Nations to proceed from the basis that it needs to be more aggressive in the sense of actually waging war in the world. That wasn't why the United Nations was set up, it was set up to avoid war. But what we are saying is that there will be certain times in which the United Nations, in carrying out its legitimate mission, its

peaceful mission, is made the subject of illegitimate attack. Under those circumstances, the only proper response in some circumstances might be to respond with force.

Now, you raise the specific case, which occurred in Bosnia, of a request for air support from the United Nations forces on the ground, and the fact that it took several hours to work through the bureaucracy. Well, I guess it's not surprising. It was the first time that it had ever happened. And it seemed to me what it actually proved was that the system does actually work. All the right people were contacted, all the right approvals were given, the right judgments were made. And it was at night, the weather was bad, and in the end the aircraft didn't launch an attack. But it was the first trial of something totally new for the UN.

LITTLEJOHNS: Ambassador Keating, Ian Williams has raised a question about the Tribunal, or spoken about the Tribunal in The Hague, and you've responded to that. Does your convention envisage some kind of an international tribunal to deal with people who offend against international law by attacking UN peacekeepers, UN civilian humanitarian relief workers and so forth?

KEATING: We've thought about that, and we decided in the end that actually the deterrent factor was a lot greater and a lot stronger if the sanctions were, initially at least, focused on the domestic courts of the countries who actually have the means, existing courts and existing prisons systems. Why? Because, as I said, the real value of this is that it can stretch out over a very long period of time. It may be many years before one actually gets in one's clutches a particular criminal or group of criminals who have made these attacks. And it's really important then that one be able to take action at some place they happen to be transitting through -- Geneva, or Paris, or wherever -- and Interpol can grab them.

LITTLEJOHNS: What about the cases of the UN personnel who are detained by foreign governments when they're performing UN duty on the territories of those governments? Does the convention address that problem, which is in fact quite a serious one?

KEATING: Certainly we would like to see it cover not only armed attacks, murder, malicious wounding, these kind of things, but also hostage taking, kidnapping in effect, what would be the crime of kidnapping. We would like to see it cover precisely that situation as well, because, in many ways, that is one of the worst ways of frustrating the United Nations missions, particularly with humanitarian personnel out in the field

delivering food aid and assistance. It's a form of terrorism which is brought to bear against the United Nations.

WILLIAMS: But on definitions of kidnapping, you usually assume that this is done by sort of private enterprise, whereas, in fact, a lot of the kidnapping which Mike Littlejohns is talking about is perpetrated by governments, with all of the panoply of their national sovereignty. And one UN agency, which I'd like you to think about, is the United Nations Relief and Works Administration in the Middle East, which, as you know, has been dealing with Palestinian refugees for 40 years, has -- I think it's probably the biggest UN agency in terms of personnel employed. But their personnel are regularly arrested, shot at by a variety -- Arab governments, the Israelis, the occupation forces, and, of course, the various dissident groups within the territories themselves. For your definition, would the staff of UNWRA be covered by this protection?

KEATING: UNWRA is not at the moment a peacekeeping operation. If it were to be designated as a peacekeeping operation by the Security Council, yes, it would be covered.

WILLIAMS: I think that's an important point that might have skipped by, is that this is restricted specifically to peacekeeping operations as dictated by the Security Council.

KEATING: To situations which have been established in order to maintain the peace.

LITTLEJOHNS: Why is that, Ambassador? Why are you limiting it to that extent?

KEATING: Well, there is a case for extending it to all United Nations personnel. It's a matter of at least initially trying to get agreement internationally on the areas that we can reach a consensus, or close to a consensus, within the General Assembly. And we, for our part, have said we would prefer a broader definition. And maybe we will be successful in getting a broader definition.

WILLIAMS: If we could return to the example of Bosnia, for example, to look at this practically, you have the UN peacekeeping operation, but, in parallel, you have the High Commissioner for Refugees, you have the Red Cross, you have the World Food Programme, you have lots of UN agencies which aren't involved in the peacekeeping operation as such but are involved in relief operations, and in many ways are more vulnerable and more at risk than the peacekeeping forces because these people are unarmed.

KEATING: Well, I've got to say it would be -- the convention would not be worth working on if we didn't also include all the people who were associated with the

peacekeeping operation. So one needs to wrap in all of that group of people as well. And certainly our draft that we put before the UN would incorporate all of those people.

LITTLEJOHNS: How much support are you getting? Are you running into any problems? I mean, certain countries are saying this is unnecessary, perhaps?

KEATING: No, initially there were a few who had queries, but I must say I've been very encouraged, there is no concerted opposition. I'm sure, as in negotiating any legal instrument, there will be a lot of argument about the fine words of a lot of the drafting. But, I mean, that's technical work; it's like working on a draft piece of legislation. I think there is -- the General Assembly has already approved, by consensus, the notion that this item should proceed. So I think politically we're on track. It's a matter of now working through the technical details.

LITTLEJOHNS: As we do this programme, what is the status of the procedures? Is it a working group or something of that sort, dealing with the problem?

KEATING: The issue was initially considered in the Legal Committee of the United Nations General Assembly in September of 1993. During the course of 1994 it will be worked on by a working group. And we are optimistic that either in the General Assembly in 1994 or certainly at the very latest one year from now there will be a draft convention which will be available for signature by governments.

LITTLEJOHNS: Vicky, you have another question?

GRAHAM: Going back to Somalia, reports about the attacks on UN peacekeepers, Pakistanis, Americans and others as well, how would you deal with these?

KEATING: Well --

GRAHAM: I mean there's no court operating there, of course.

KEATING: Well, there is the underlying reason why one needs something different. I mean, up until now, peace and justice in the world has tended to operate solely on the basis of national sovereignty. Each country would take responsibility for prosecuting offenses in its own territory. And Somalia is a classic example where there are no courts, there is no system of prosecution, the UN personnel there are attacked -- what do we do about them? Even if we have apprehended offenders, there is no legitimized system of dealing with it.

What we want to do is establish a universal jurisdiction, so that people who are guilty of crimes against international peacekeepers can be prosecuted anywhere in the world in the same way as international hijackers can be prosecuted anywhere in the world. And I think Somalia proves exactly the point.

LITTLEJOHNS: Do you want the culprits in these cases to be extradited to the country of the victim? Is that perhaps -- ?

KEATING: That's always a possibility, but it shouldn't be mandatory or necessary. I think all the international community should be concerned about is that justice is done somewhere. It's not a matter of getting revenge in country A because country A's personnel have been killed. I think it's a matter of insuring that justice is done.

LITTLEJOHNS: Ambassador Keating, that's all the time we have. Thank you for joining us on this edition of World Chronicle.

Our guest has been Ambassador Colin Keating, Permanent Representative of New Zealand to the United Nations. He was interviewed by Ian Williams of *The New York Observer* and Victoria Graham of the Associated Press.

I'm Michael Littlejohns. Thank you for joining us. We invite you to be with us for the next edition of World Chronicle.

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